

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT FRAZIER ,

Plaintiff,

V.

JULIA BARNETT, et al.,

Defendant.

CASE NO. 2:23-cv-00690-JLR-BAT

**ORDER DENYING APPLICATION
FOR APPOINTED COUNSEL**

Plaintiff Michael Martin, who is proceeding *pro se* and *in forma pauperis* in this civil rights action, has filed a motion to appoint counsel. Dkt. 7. The Court **DENIES** the motion.

Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine whether “exceptional circumstances” exist, the Court considers “the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Plaintiff requests the Court appoint counsel because he cannot afford counsel, the issues
2 are complex, he has limited knowledge of the law, he has ADA issues, and a prisoner who was
3 helping him was moved out of the unit. Dkt. 7 at 1–2. These are not extraordinary circumstances
4 but rather are circumstances and grounds that plaintiffs in custody regularly raise. In addition,
5 plaintiff has not shown that he is likely to prevail on the merits of his claim, and in fact has been
6 ordered to file an amended complaint as the complaint he filed is deficient. Appointment of
7 counsel is therefore not justified at this time, and the Court ORDERS: Plaintiff's motion for
8 appointment of counsel, Dkt. 7 is **DENIED** without prejudice.

9 DATED this 25th day of May, 2023.

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12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
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